

EXHIBIT C

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHARLES JOHNSON,

Plaintiff,

v.

23 Civ. 2441 (KPF)

CLEARVIEW AI, INC., *et al.*,

Defendants.

Conference

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New York, N.Y.

April 2, 2025

12:20 p.m.

Before:

HON. KATHERINE POLK FAILLA,

District Judge

APPEARANCES

BERNARD V. KLEINMAN
Attorney for Plaintiff

GORDON REES SCULLY MANSUKHANI LLP
Attorneys for Defendants

BY: MALLORY J. BENNER
RONALD A. GILLER

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1 same time.

2 THE COURT: Agreed. Anything that's removed will have
3 to be logged. Yes, I agree with that.

4 MR. GILLER: Thank you, your Honor.

5 THE COURT: All right. That's the discovery -- well,
6 partly.

7 Mr. Kleinman, that only gets us to the issue about the
8 production of ESI for which the search terms are hits. What
9 about the supplemental responses to the interrogatories, the
10 requests for admission, the requests for production?

11 MR. KLEINMAN: I sent that request. I sent the -- I'm
12 sorry. I sent the -- I sent all the documents, the original
13 demands from Clearview's counsel and your order, and so forth,
14 to my client. I never received a response, Judge.

15 THE COURT: Hmm, that seems bad.

16 All right. You do understand -- you do understand,
17 sir, because I know you've been here before; I know you've been
18 in this courthouse for decades -- that court orders should be
19 followed, right? You know that.

20 MR. KLEINMAN: Yes, I do.

21 THE COURT: Yes. Why can't my orders be followed,
22 sir?

23 MR. KLEINMAN: I'm just the lawyer, Judge.

24 THE COURT: No, no, sir. Ultimately you're on the
25 hook for this. Where are these responses, sir?

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1 MR. KLEINMAN: I asked my client to provide responses.
2 He did not provide the responses.

3 THE COURT: But is it not on you to cajole him, to
4 pressure him, to persuade him?

5 MR. KLEINMAN: I sent him more than one email
6 reminding him of his obligation, Judge.

7 THE COURT: OK. So this is the basis for sanctions
8 under Rule 37. OK. I understand. I just think it's
9 unfortunate. OK. Thank you.

10 Mr. Kleinman, actually, before you sit down, I think
11 we're moving now to the third topic, which is your motion to
12 dismiss.

13 Sir, I've understood, and I recently had to look into
14 this for another matter, that a statement in a pleading of an
15 amount in controversy in excess of \$75,000 is presumptively
16 correct. So I don't know how you'd be able to rebut that
17 presumption in a 12(b)(1) context. Separately, I'd like you,
18 please, to respond to your adversary's contention that, in
19 fact, their compulsory counterclaim receives supplemental
20 jurisdiction by being a compulsory counterclaim.

21 MR. KLEINMAN: May I address those?

22 THE COURT: You may, please. Thank you.

23 MR. KLEINMAN: OK.

24 Merely stating and pleading what's in 1332(a) is not
25 sufficient under the cases that have been cited in this